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Attorneys for Plaintiff Brave New Films 501(c)(4)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL SAVAGE,

Plaintiff,

v.

COUNCIL ON AMERICAN-ISLAMIC
RELATIONS, INC., COUNCIL ON
AMERICAN ISLAMIC RELATIONS ACTION
NETWORK, INC., COUNCIL ON AMERICAN
ISLAMIC RELATIONS OF SANTA CLARA,
INC., and DOES 3-100,

Defendants.

No. C 07-6076-SI

**DECLARATION OF SHEILA M.
PIERCE EXPLAINING WHY
STIPULATION COULD NOT BE
OBTAINED**

1 I, Sheila M. Pierce, declare:

2 1. I am an attorney duly admitted to practice before this Court, and am an associate
3 at Bingham McCutchen, LLP, Counsel for Brave New Films 501 (c) (4). This declaration is
4 submitted pursuant Civil L.R. 7-11 to explain why a stipulation from counsel for Defendants
5 Michael Weiner ("Michael Savage") and Original Talk Radio Network ("OTRN") could not be
6 obtained. If called as a witness I would and could testify to the following:

7 2. On November 3, 2008, I called Christine Reilly, counsel for Defendants Michael
8 Savage and OTRN, to meet and confer regarding the filing of the Administrative Motion filed
9 herewith.

10 3. I advised Ms. Reilly that Brave New Films would be filing an Administrative
11 Motion to Consider Whether Cases Are Related pursuant to L.R. 3-12. I also advised her that
12 L.R. 7-11 required the parties file a stipulation with the proposed order and asked if her clients
13 would be willing to stipulate to such.

14 4. Ms. Reilly responded that it had been her practice in the Northern District not to
15 file such motions and that I should check with the Court before she would agree to further
16 discussions regarding the stipulation.

17 5. I made two phone calls to the Court clerk that same day and left messages to
18 inquire whether the motion was necessary. I did not get a reply that day.

19 6. On November 4, 2008, I sent Ms. Reilly a copy of Judge Illston's Standing Order
20 and pointed out that Judge Illston required parties to comply with all Local Rules except as
21 identified in her order. I noted that neither L.R. 3-12 nor L.R. 7-11 were identified exceptions.
22 Attached hereto as Exhibit A is a true and correct copy of that email.

23 7. After I sent the email to Ms. Reilly, I received a telephone call from Judge
24 Illston's clerk Ms. Yumiko Saito. Ms. Saito advised me that I needed to file the administrative
25 motion.

26 8. I then sent Ms. Reilly an email notifying her that we needed to file the motion and
27 asked to call to discuss. Attached hereto as Exhibit B is a true and correct copy of that email.

1 9. Ms. Reilly emailed her response stating that “we will not agree to a stipulation,
2 but we are not likely to oppose the motion.” Attached hereto as Exhibit C is a true and correct
3 copy of that email.

4 10. I declare under penalty of perjury under the laws of the United States of America
5 and the State of California that the foregoing is true and correct.

6
7 DATED: November 4, 2008

8
9 By: Sheila M. Pierce
 Sheila M. Pierce